IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

CIVIL WRIT PETITION NO. 17095 OF 2005

DATE OF DECISION: SEPTEMBER 22, 2006

Parties Name

Karam Singh

..PETITIONER

VERSUS

State of Haryana and others

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE JASBIR SINGH
HON'BLE MR. JUSTICE PRITAM PAL

PRESENT: Mr. B.S. Bhalla,
Advocate, for the petitioner.

Ms. Mamta Singhal Talwar, AAG, Haryana;

Mr. Kamal Sehgal, Advocate, for
respondents No. 2 and 3

JASBIR SINGH, J. (oral)

This writ petition has been filed with a prayer to issue a writ of mandamus directing the respondents not to auction residential house of the petitioner, which is lying mortgaged as a collateral security with respondent No. 1. On November 7, 2005, following order was passed by this Court:

"Notices issued to the respondents have not been received back. Learned counsel for the petitioner submits that due to paucity of time, dasti notices could not be served on the respondents. In view of the submission, let fresh notices issue for 18.1.2006.

Mr. Bhalla, learned counsel for the petitioner, submits that the petitioner has already entered into an agreement to sell a piece of land owned by him for a total consideration of Rs. 8

lacs and has received a sum of Rs. 50,000/- as earnest money. He, however, prays that the petitioner may be granted some time to deposit the sale proceeds of the said plot.

In view of the submission, we stay the auction of the subject- property, subject to petitioner's depositing, with the Haryana Financial Corporation (for short, 'the Corporation'), a sum of Rs. 50,000/- within 4 days; a sum of Rs. 3.5 lacs on or before 15.12.2005 and a further sum of Rs. 4 lacs on or before 15.1.2006. The petitioner shall also deposit a non-adjustable amount of Rs. 10,000/- with the Corporation towards the expenses incurred by it on public notice."

It has been brought to the notice of this Court that after passing of the order, referred to above, petitioner has deposited only an amount of Rs. 2,50,000/-. He has failed to deposit rest of the amount. On May 22, 2006, concession was given by counsel for the respondent – Corporation that if the petitioner applies for one time settlement, as per policy, his case will be considered. Counsel for the petitioner states that he has moved an application for one time settlement and the same is pending. This fact has not been controverted by counsel for the respondents. However, he says that no action is possible as the petitioner has not deposited with that application, requisite amount, towards upfront money, as per the policy. Be that as it may, the petitioner has already deposited an amount of Rs. 2,50,000/- under orders of this Court. That may be adjusted towards his share in upfront money and if anything more is needed, the Corporation will inform him within seven days from today. The petitioner shall thereafter deposit the balance amount, if any, within two weeks. The Corporation shall then take up his case and decide as per policy, under which application

has been moved. The needful be done within fifteen days from the deposit of amount by the petitioner. It is made clear that if it is possible, liberty be granted to the petitioner, as per law, to pay the amount equal to the amount, offered by the highest bidder for the house in dispute. Disposed of.

(Jasbir Singh)
Judge

(Pritam Pal)
Judge

September 22, 2006.
DKC